

IFW

PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/803,665
Filing Date	March 18, 2004
First Named Inventor	John G. Joseph
Art Unit	3711
Examiner Name	
Attorney Docket Number	SHO 005 P2

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Return Card
PTO/SB/08A (3 pages) |
|--|--|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MATTHEW R. JENKINS JACOX, MECKSTROTH & JENKINS
Signature	<i>Matthew R. Jenkins</i>
Date	8-25-04

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Madonna Evans		
Signature	<i>Madonna Evans</i>	Date	8-26-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Inventor(s) : John G. Joseph
Serial No. : 10/803,665
Filed : March 18, 2004
Title : BASEBALL TRAINING SYSTEM
AND METHOD
Group : 3711
Docket : SHO 005 P2

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 8-26-04
Madonna Evans
Typed or printed name of person mailing paper or fee
<i>Madonna Evans</i>
Signature of person mailing paper or fee

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(b)

Pursuant to the provisions of 37 CFR 1.97(b), Applicant(s) wishes to disclose the materials listed on the attached form PTO/SB/08A and listed below which the Examiner may find relevant to the examination of the above-identified patent application. Pursuant to the Official Gazette Notice of August 5, 2003, waiving the requirements under 37 CFR 1.98(a)(2)(i), Applicant(s) believe copies of any U.S. patents or U.S. patent applications are not required. Copies of any Foreign or Non-Patent references are enclosed herewith.

Patent No.	Issued	Inventor	Title
849,941	04-09-1907	Titus	Base Ball Back Stop
1,086,067	02-03-1914	McMillan	Base Ball Apparatus
1,142,184	06-08-1915	Lawrence	Base Ball Pitcher's Target
1,170,715	02-08-1916	Westgate	Automatic Umpire
1,371,867	03-15-1921	Dean	Amusement and Exercise Apparatus
1,567,384	12-29-1925	Rectenwald et al.	Pitching Target
1,591,753	07-06-1926	Flaugh	Batting Practice Cage
2,251,305	08-05-1941	Tarbox	Target Baseball
2,292,109	08-04-1942	Engel	Batting Cage
2,325,858	08-03-1943	Kellermann et al.	Ball Reprojector
2,603,203	07-15-1952	Herold	Variable Angle Target Throwing Apparatus
2,657,058	10-27-1953	Mulcahy	Pitcher's Control Target With Automatic Ball Return

2,657,931	11-03-1953	Burrell	Target Baseball Game
2,705,945	04-12-1955	Cavalier	Ball Pitching Machine
2,792,822	05-21-1957	Ponza	Mechanical Baseball Pitching Machines
2,805,070	09-03-1957	Waters	Ball Catcher
2,827,295	03-18-1958	Austin	Portable Backstop
2,873,969	02-17-1959	Ziel	Baseball Control Developer And Tester
2,895,737	07-21-1959	Blees	Ball Catcher
2,944,816	07-12-1960	Dixon	Recreational Apparatus
3,037,776	06-05-1962	Younce	Target Device
3,133,733	05-19-1964	Elseroad	Baseball Game Apparatus Including Movable Target Panels At Which A Baseball Is Thrown By the Player
3,260,527	07-12-1966	Younce	Target Device With Jet Ball Return
3,306,613	02-28-1967	Mainers	Baseball Batting Practice Range With Ball Return Means
3,408,071	10-29-1968	Lundy	Collapsible Backstop
3,706,451	12-19-1972	Dixon	Target Type Scoring Device
3,821,945	07-02-1974	Foster	Target Throwing Device Having Automatically Varying Target Throwing Angles
4,080,950	03-28-1978	Paulson et al.	Ball Throwing Device
4,083,559	04-11-1978	Owen, Jr.	Sports Training Apparatus
4,148,555	04-10-1979	Lerman	Target With Score Indicator
4,193,591	03-18-1980	Paulson	Adjustable Ball Projecting Device
4,372,284	02-08-1983	Shannon et al.	Baseball-Pitching Machine
4,497,485	02-05-1985	Macosko	Baseball Pitching Target
4,552,120	11-12-1985	Nall et al.	Batting Instruction System
4,705,014	11-10-1987	Kahelin	Variable Speed Single-Wheeled Ball Propelling Machine
4,772,017	09-20-1988	Eriksen	Projector For Projecting A Tennis Ball
4,883,272	11-28-1989	Lay	Ball Catching Frame With Ball Expelling Machine Connected Thereto
5,012,790	05-07-1991	Bates	Baseball Practice Mechanism
5,133,548	07-28-1992	Bedord et al.	Pitching Trainer With Automatic Ball Return
5,566,934	10-22-1996	Black et al.	Baseball Trainer

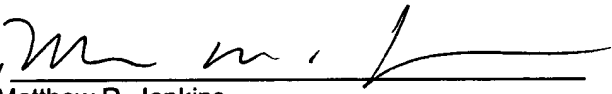
5,573,239	11-12-1996	Ryker et al.	Apparatus To Catch, Determine Accuracy and Throw Back A Ball
5,826,568	10-27-1998	Van Ross, Jr.	Ball Pitching Apparatus

The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b). By filing this statement, Applicant(s) is not making any representation as to whether any of the references referred to herein are material. Further, Applicant(s) cites these references without prejudice, and Applicant(s) reserves the right to contest the status of these references as prior art. Although Applicant(s) believes that no fee is required by filing this statement, the Commissioner is authorized to charge any required fee to Deposit Account 50-1287.

The Commissioner is hereby authorized to charge any required by this paper, or to credit any overpayment, to **Deposit Account No. 50-1287**. Applicants hereby provide a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any deficiencies that have not been previously paid for and that are required during the prosecution of this application to **Deposit Account No. 50-1287**. (Should **Deposit Account No. 50-01287** be deficient, please charge any further deficiencies to Deposit Account No. 10-0220).

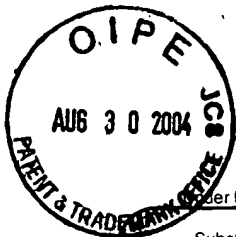
Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By 
Matthew R. Jenkins
Reg. No. 34,844

2310 Far Hills Building
Dayton, OH 45419-1575
(937) 298-2811

August 26, 2004



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/803,665
Filing Date	March 18, 2004
First Named Inventor	John G. Joseph
Art Unit	3711
Examiner Name	
Attorney Docket Number	SHO 005 P2

Sheet -1-

of

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 849,941	04-09-1907	Titus	
		US- 1,086,067	02-03-1914	McMillan	
		US- 1,142,184	06-08-1915	Lawrence	
		US- 1,170,715	02-08-1916	Westgate	
		US- 1,371,867	03-15-1921	Dean	
		US- 1,567,384	12-29-1925	Rectenwald et al.	
		US- 1,591,753	07-06-1926	Flaugh	
		US- 2,251,305	08-05-1941	Tarbox	
		US- 2,292,109	08-04-1942	Engel	
		US- 2,325,858	08-03-1943	Kellermann et al.	
		US- 2,603,203	07-15-1952	Herold	
		US- 2,657,058	10-27-1953	Mulcahy	
		US- 2,657,931	11-03-1953	Burrell	
		US- 2,705,945	04-12-1955	Cavalier	
		US- 2,792,822	05-21-1957	Ponza	
		US- 2,805,070	09-03-1957	Waters	
		US- 2,827,295	03-18-1958	Austin	
		US- 2,873,969	02-17-1959	Ziel	
		US- 2,895,737	07-21-1959	Blees	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/803,665
Filing Date	March 18, 2004
First Named Inventor	John G. Joseph
Art Unit	3711
Examiner Name	
Attorney Docket Number	SHO 005 P2

Sheet -2- of -3-

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 2,944,816	07-12-1960	Dixon	
		US- 3,037,776	06-05-1962	Younce	
		US- 3,133,733	05-19-1964	Elseroad	
		US- 3,260,527	07-12-1966	Younce	
		US- 3,306,613	02-28-1967	Mainers	
		US- 3,408,071	10-29-1968	Lundy	
		US- 3,706,451	12-19-1972	Dixon	
		US- 3,821,945	07-02-1974	Foster	
		US- 4,080,950	03-28-1978	Paulson et al.	
		US- 4,083,559	04-11-1978	Owen, Jr	
		US- 4,148,555	04-10-1979	Lerman	
		US- 4,193,591	03-18-1980	Paulson	
		US- 4,372,284	02-08-1983	Shannon et al.	
		US- 4,497,485	02-05-1985	Macosko	
		US- 4,552,120	11-12-1985	Nall et al.	
		US- 4,705,014	11-10-1987	Kahelin	
		US- 4,772,017	09-20-1988	Eriksen	
		US- 4,883,272	11-28-1989	Lay	
		US- 5,012,790	05-07-1991	Bates	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ * Number * Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Complete if Known

Application Number	10/803,665
Filing Date	March 18, 2004
First Named Inventor	John G. Joseph
Art Unit	3711
Examiner Name	
Attorney Docket Number	SHO 005 P2

Sheet	-3-	of	-3-
-------	-----	----	-----

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.